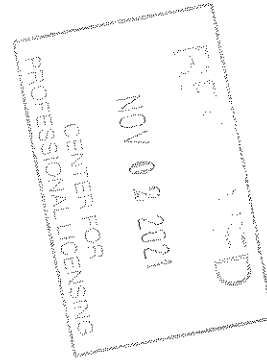


State of Rhode Island
Department of Health
Board of Medical Licensure and Discipline



IN THE MATTER OF:
Leonard Hubbard, MD
License No.: MD 05673
Case No.: C210990

CONSENT ORDER

Leonard Hubbard, MD ("Respondent") is licensed as a physician in Rhode Island. The Rhode Island Board of Medical Licensure and Discipline ("Board") makes the following

FINDINGS OF FACT

1. The Board reviewed and investigated the above-referenced complaint pertaining to Respondent through its Investigative Committee.
2. Respondent graduated from the University of Vermont College of Medicine and has been licensed in the State of Rhode Island since June 18, 1980. Respondent's specialty is orthopedics.
3. Respondent was the attending physician for Patient A (alias), who presented to Respondent for surgical repair of two fingers on the same hand.
4. The Board received a complaint from Patient A in which it was alleged that Respondent had performed the orthopedic procedure on the wrong-site, operating on the wrong finger.
5. Respondent acknowledges the wrong-site procedure. According to Respondent, he held a time-out before operating on the first finger, which operation was then correctly and successfully

completed. As with the first finger, Respondent held a time-out before operating on the second finger, which time-out included marking the surgical site with a surgical marking pen. After marking the surgical site, however, Respondent operated on Patient A's thumb instead of the intended finger. Respondent acknowledged that he did not find the expected lacerated nerve pursuant to the operation on Patient A's thumb, but did note a nerve contusion, which Respondent accepted as explanation of Patient A's reported symptoms.

6. As Respondent does with all surgical patients, Respondent saw Patient A the next day for post-operative care. Upon removing Patient A's bandages, Respondent realized that he operated on the incorrect digit. Upon such discovery, Respondent notified Patient A and the facility in which the surgical procedure had been performed of the error.

7. The Investigative Committee concluded that Respondent violated R.I. Gen. Laws § 5-37-5.1(19), which defines "unprofessional conduct" as including, "[i]ncompetent, negligent, or willful misconduct in the practice of medicine, which includes the rendering of medically unnecessary services, and any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing medical practice in his or her area of expertise as is determined by the board."

Based on the foregoing, the parties agree as follows:

1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board and is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;

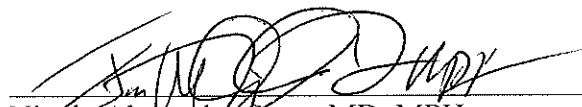
- c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review; and
 - h. Any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the Rhode Island Department of Health (“RIDOH”) public website.
4. Respondent hereby agrees to this reprimand on her physician license.
5. Respondent, at his own expense, shall successfully complete 8 hours of Board-approved CME regarding the prevention of wrong-site surgeries.
6. Respondent agrees to pay, within five days of the ratification of this Consent Order, an administrative fee of \$1100.00 for costs associated with investigating the above-referenced complaint. Such payment shall be made by certified check, made payable to “**Rhode Island General Treasurer**,” and sent to Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908. Respondent will send notice of compliance with this condition to DOH.PRCompliance@health.ri.gov within 30 days of submitting the above-referenced payment.
7. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director of RIDOH (“Director”) shall have the discretion to impose further disciplinary action, including immediate suspension of Respondent’s medical license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request within 20 days of the suspension and/or further discipline an administrative hearing. The

Director shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

Signed this 19th day of October 2021.


Leonard Hubbard, MD

Ratified this 10th day of November 2021 by the Board of Medical Licensure and Discipline.


Nicole Alexander-Scott, MD, MPH
Director
Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, Rhode Island 02908

